

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 2000-425-S - ORDER NO. 2000-1013

DECEMBER 18, 2000

IN RE: Petition of Carolina Water Service, Inc. for	)	ORDER GRANTING
Approval of an Agreement with the Town of	)	PETITION TO
Lexington for Bulk Service Collection from	)	INTERVENE OUT OF
the I-20 and Watergate Subdivision's Sewage	)	TIME AND MODIFYING
Collection Facilities in Lexington County,	)	PREFILING DEADLINES
South Carolina.	)	

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Petition to Intervene Out of Time filed in the instant docket by the Town of Lexington, South Carolina ("Town of Lexington").

On August 28, 2000, the Public Service Commission of South Carolina ("Commission") issued a Notice of Filing in the instant docket. The Notice of Filing gave notice of a proceeding established by the Commission to consider the approval of an agreement between Carolina Water Service, Inc. ("CWS") and the Town of Lexington for bulk sewer collection service from CWS's I-20 and Watergate service areas. The return date established in the Notice of Filing for comments or intervention was October 9, 2000.

On December 1, 2000, the Commission received a Petition to Intervene from the Town of Lexington. The Town of Lexington stated that it is the appointed management agent for the 12/14 Mile Creek basins in Eastern Lexington County pursuant to 33 U.S.C.A. § 1251 et seq., also known as the "Clean Water Act." The Town of Lexington

asserts that it is responsible under the 208 plan for overseeing the Sanitary Waste Water Treatment in the 12 and 14 Mile Creek Basins. Additionally, the Town of Lexington asserts that it is an interested party to the contract under consideration before the Commission. The Town of Lexington asserts that CWS, the Petitioner in the instant proceeding, is not likely to vigorously and completely present the facts to support approval of the agreement before the Commission.

CWS filed an Answer to the Town of Lexington's Petition to Intervene. CWS did not object to the Town of Lexington being granted intervention in the proceeding. However, CWS did request, due to the lateness of the Petition, an additional week for filing prefiling testimony with the Commission. The Commission notes that prefiling deadlines were established by Order No. 2000-926, dated November 13, 2000, and established a prefiling date of December 28, 2000, for the Petitioner and a prefiling date of January 11, 2001, for the Commission Staff and intervenors.

Upon consideration of this matter, the Commission finds that the Town of Lexington's Petition to Intervene Out of Time should be granted. The Commission finds that the Town of Lexington is an interested party to this. Further, the Commission finds the request of CWS for a week's extension in filing testimony and exhibits reasonable due to the lateness of the intervention of the Town of Lexington. However, in order to be fair to all parties, the Commission finds that the week's extension should be granted to all parties. Therefore, the Commission modifies the prefiling deadlines as follows:

(a) the Petitioner shall file twenty-five copies of its prefiling testimony and exhibits with the Commission on or before **January 4, 2001**;

(b) the Commission Staff and intervenors shall file twenty-five copies of their prefiled testimony and exhibits on or before **January 18, 2001**;

(c) the Petitioner shall file with the Commission any rebuttal testimony and exhibits on or before **January 22, 2001**; and

(d) the Commission Staff and intervenors shall file with the Commission any surrebuttal testimony and exhibits on or before **January 24, 2001**.

Rebuttal or surrebuttal testimony and exhibits filed must be filed with the Commission, and served on other parties of record, by the close of business of the dates indicated. It should be noted that acceptance of surrebuttal testimony and exhibits is subject to the discretion of the Commission.

Parties shall serve prefiled testimony and exhibits on all other parties of record as required by the Commission's Rules and Regulations. All parties are further reminded that all witnesses must be present during the hearing on this matter at the call of the chairman. Absence of a witness at the call of the Chairman could result in the Commission refusing to allow the witness's testimony to be read into the record of the proceeding as well as refusal to allow the witness's exhibits to be entered into the evidence of the case.

IT IS THEREFORE ORDERED THAT:


1. The Petition to intervene Out of Time filed by the Town of Lexington is granted.
2. The prefile dates as established by Order No. 2000-926 are modified as stated above.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)